

CHAPTER 1064

Parks

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CROSS REFERENCES

Parks generally - see Mich. Const. Art. 7, Sec. 23

Authority of City re parks - see CHTR. Ch. XIII

Parks and recreation facilities in home rule cities - see MCLA Secs. 117.4e, 117.5

Sale of park property - see MCLA Sec. 117.5

Misapplication of park funds - see MCLA Sec. 123.67

Harbor and waterfront - see S.U. & P.S. Ch. 1062

1064.01) DEFINITIONS.

“Event” means a planned activity to use a Park which has an attraction to the public, such as games or amplified sound.

“Park” means and includes all park and recreation lands, facilities and water areas owned or under the control of the City, whether presently being used for recreation or being held for future recreational use, including, but not limited to, areas for picnicking, swimming or potential swimming, beach activities, boat launching sites, parking and sports, and excluding the Duncan L. Clinch Yacht Harbor and Zoo.

(Ord. 292. Passed 2-19-91. Ord. 791. Passed 3-17-08.)

1064.02) HOURS OF OPERATION.

The City Manager shall establish and post at each individual park its hours of opening and closing. Parks open continuously shall be so posted. No person shall be in any park except when such park is open. A person who violates this section is responsible for a civil infraction.

(Ord. 32. Passed 8-15-77. Ord. 643. Passed 6-21-04.)

1064.03) PROPERTY DESTRUCTION; INJURING WILDLIFE AND VEGETATION.

No person shall injure, damage, deface, disturb or destroy any part of any park or any facility, building, sign, structure, equipment, utility or other property found therein. No person shall dig for, remove, injure, damage or destroy any tree, flower, shrub, plant or growing thing within any park. No person shall injure, kill, trap, hunt, pursue or in any manner disturb any wild bird or animal within any park, unless authorized by the City Manager for preservation of the peace.

(Ord. 32. Passed 8-15-77.)

1064.04) GARBAGE AND RUBBISH.

No person shall deposit or abandon in any park, or in any waters in or adjacent to any park, any garbage, refuse, litter or obnoxious material, except in receptacles provided for such purpose.

No person shall bring refuse or litter, originating outside any park into a park for the purpose of depositing such refuse or litter in park receptacles designated for park users.

(Ord. 32. Passed 8-15-77.)

1064.05) CAMPING.

No person shall camp within any park. No person shall park overnight any house trailer or camping vehicle in any park. A person who violates this section is responsible for a civil infraction.

(Ord. 32. Passed 8-15-77. Ord. 644. Passed 6-21-04.)

1064.06) SWIMMING, BATHING AND WADING.

No person shall swim, bathe or wade in any park in those areas prohibited for that purpose and so posted by the City Manager. No person shall have a glass container within any water area or land area used as a swimming or bathing beach area. A person who violates this section is responsible for a civil infraction.

(Ord. 32. Passed 8-15-77. Ord. 579. Passed 10-07-02.)

1064.07) FIRES.

No person shall build a fire in any park except in places designated for such purpose by the City Manager.

(Ord. 32. Passed 8-15-77.)

1064.08) WEAPONS AND EXPLOSIVES.

No person shall possess or control any fireworks or explosive in any park. No person shall possessor control any bow or arrow in any park except in an area designated for use as an archery range.

(Ord. 32. Passed 8-15-77. Ord. 828. Passed 3-16-09.)

1064.09) ALCOHOLIC BEVERAGES.

No person shall possess any alcoholic beverage, other than beer and wine, in any park. The consumption and possession of beer and wine, is not allowed in the Open Space during the events of the Traverse City Film Festival, the week of Cherry Festival except in the Festival Beverage Pavilion and for the National Cherry Festival Wine Tasting Event. The City Commission, by resolution, may ban the consumption and possession of beer and wine, in any park or designated portion of a park. A ban of all alcoholic beverages shall be posted on signs at such points within or at the perimeter of the area where the ban is in effect. (Ord. 32. Passed 8-15-77; Ord. 199. Passed 8-5-86; Ord. 473. Passed 4-19-99. Ord. 805. Passed 7-21-08; Ord. 815. Passed 11-17-08.)

1064.10) DISORDERLY CONDUCT.

No person shall be intoxicated or engage in any violent, abusive, loud, boisterous, vulgar, obscene or otherwise disorderly conduct tending to create a breach of the peace or disturb or annoy a reasonable person using the park in a proper manner.

(Ord. 32. Passed 8-15-77. Ord. 805. Passed 7-21-08)

1064.11 PETS IN PARKS

No person shall bring or allow any dog or other pet in any park unless the dog or pet is kept on a leash not over eight feet in length, and under the immediate control of a responsible person. Dogs are permitted to be off-leash as provided in Chapter 610 of these Code of Ordinances, subject to compliance with the rules and regulations adopted for the designated off-leash area. Dogs and other pets are not allowed in 1) park buildings or shelters, 2) designated swimming areas and 3) the city beaches, or portions thereof that are mechanically groomed. Dogs and other pets are not permitted in the Open Space area during the National Cherry Festival or in the Farmers' Market area during its hours of operation unless the dog or other pet is confined in a motor vehicle. The "Farmers" Market area is defined as that part of Parking Lot "B" extending from the water's edge of the Boardman River north to 12 feet north of the center of Parking Lot "B", which center is defined as the concrete island that is shared by and separates the north and south parking bays, and running east from the westerly edge of the Grandview Parkway entrance to the westerly edge of the sidewalk parallel to Cass Street. No dog or pet shall be permitted to touch, worry, disrupt or disturb any person using park facilities. A person who violates this section is responsible for a civil infraction.

(Ord. 32. Passed 8-15-77. Ord. 435. Passed 3-18-96. Ord. 531. Passed 5-21-01. Ord. 846. Passed 9-18-09. Ord. 946. Passed 6-4-12)

1064.12 MOTOR VEHICLES.

No person shall operate a motor vehicle in excess of fifteen miles per hour in any park, except when otherwise posted. No person shall operate a vehicle except on designated roads. No person shall park a motor vehicle except in designated parking spaces; provided, however, that a Mobile Food Vending Unit as defined in Traverse City Code of Ordinances Chapter 865, that has a valid Mobile Food Vending License may operate within and adjacent to parks in areas authorized by resolution of the City Commission. Drivers of motor vehicles shall obey all posted traffic control signs and devices. A person who violates this section is responsible for a civil infraction.

(Ord. 32. Passed 8-15-77. Ord. 645. Passed 6-21-04. Ord. 965. Passed 5-6-13)

1064.13 OFF-THE-ROAD VEHICLES.

No person shall operate an off-the-road motor driven vehicle, such as a snowmobile, dune buggy, trail bike, mini-bike or motorcycle, or any motorized device, in any park, except on designated roads, trails or areas posted for such use provided, however, that a Mobile Food Vending Unit as defined in Traverse City Code of Ordinances Chapter 865, that has a valid Mobile Food Vending License may operate within and adjacent to parks in areas authorized by resolution of the City Commission. A person who violates this section is responsible for a municipal civil infraction. (Ord. 32. Passed 8-15-77. Ord. 663. Passed 02-22-05. Ord. 965. Passed 5-6-13)

1064.14 PARKING.

- (a) Vehicles and trailers shall be parked only in areas designated for parking. In such designated areas parking will be allowed only for persons utilizing park or recreation facilities related to the parking area. In no event shall parking be permitted for patrons or employees of commercial, residential or industrial facilities in proximity thereto. Parking shall be regulated in accordance with City ordinances and regulations.
- (b) No person shall stop, stand or park a vehicle upon any portion of a public park for the principal purpose of displaying such vehicle for sale or for advertising purposes.
- (c) A person who violates this section is responsible for a civil infraction.

(Ord. 32. Passed 8-15-77. Ord. 646. Passed 6-21-04.)

1064.15 BOAT LAUNCHING.

Boats may be launched from designated Municipal boat launching sites after a launch permit has been obtained from the City. The City Manager shall designate, in writing, the Municipal boat launching sites for which a launch permit is necessary and shall establish permit fees. Launch permits shall be displayed prominently and permanently on the tongue of the boat trailer when launching from the sites, or if a boat trailer is not used, the permit shall be displayed prominently and permanently on the motor vehicle used for transporting the boat to the launching site. A person who violates this section is responsible for a civil infraction.

(Ord. 32. Passed 8-15-77; Ord. 134. Passed 5-17-82. Ord. 647. Passed 6-21-04.)

1064.16 RULES AND REGULATIONS.

The City Manager is hereby authorized, subject to approval and adoption by the City Commission, to make such other rules and regulations pertaining to the conduct and use of parks as are necessary to administer the same or to protect public property or the safety, health, morals or welfare of the public. No person shall fail to comply with such rules and regulations.

(Ord. 32. Passed 8-15-77.)

1064.17 PARK CONCESSIONS.

No person shall sell or rent, or attempt to sell or rent, any service, merchandise or object in any park, subject to the following exceptions:

- (a) Park concessions may be authorized by contract approved by the City Commission.
- (b) A group or organization, authorized to use a park by permit from the City Manager for a special occasion, may sell to its own members.
- (c) A Mobile Food Vending Unit as defined in Traverse City Code of Ordinances Chapter 865, that has a valid Mobile Food Vending License may operate within and adjacent to parks in areas authorized by resolution of the City Commission.
- (d) A person who violates this section is responsible for a municipal civil infraction.

(Ord. 291. Passed 2-19-91. Ord. 661. Passed 02-22-05. Ord. 965. Passed 5-6-13)

1064.18 ENFORCEMENT.

- (a) Administration. The uniformed employees of the Parking Violations Bureau and other officials designated in writing by the City Manager are hereby authorized to issue and serve appearance tickets with respect to any violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (M.C.L.A. 764.9c(2); M.S.A. 28.868(3)(2)).
- (b) Appearance Ticket. Appearance tickets shall be in such form as determined by the City Attorney in conformity with all statutory requirements.

(Ord. 135. Passed 5-17-82.)

1064.19 EVENTS.

No Person shall conduct, host or sponsor an Event in a Park except in compliance with the City of Traverse City Park and Public Land Use Policy. Any person who conducts, hosts, or sponsors an Event in violation of the Policy:

- (a) May be removed from the City Park or adjacent public land, and if a person fails to leave

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after being requested to do so, that person shall be deemed to be trespassing and may, at the discretion of the City Manager, be prosecuted;

- (b) Is guilty of a municipal civil infraction;
- (c) Shall be responsible for paying all costs that would have been owed had the Event been conducted, hosted, or sponsored in compliance with the Policy. The City Manager shall be responsible for determining what costs were incurred by the City as a result of the Event.

(Ord. 791. Passed 3-17-08.)

1064.20 PROHIBITED CONDUCT AT EVENTS

In addition to any other applicable provision of law, the following conduct shall be prohibited at any Event in any Park:

- (a) Conduct that materially and substantially prevents any other reasonable person from viewing, hearing or meaningfully participating in an Event.
- (b) Conduct that substantially interferes with the free passage of Event participants or attendees by creating an insurmountable obstacle at any entrance, aisle, walkway, stairwell, ramp, esplanade, vendor booth, riser or other area commonly used for public access, egress or ingress.
- (c) Entry into or remaining in any area of an Event that is posted as not open to the public without the consent of the Permit Holder for the Event or entry into or remaining in any area of an Event that is posted as open to the public only upon the payment of an entry fee or charge, without first paying the applicable entry fee or charge.
- (d) A person found responsible for violating this subsection after receiving an initial warning, may be removed from the City Park, and if a person fails to leave after being requested to do so, that person may be guilty of criminal trespassing.

(Ord. 804. Passed 6-16-08.)

1064.99 PENALTY.

- (a) Misdemeanor Penalty. Whoever violates or fails to comply with any of the misdemeanor provisions of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) Civil Infraction Penalty. Whoever violates or fails to comply with any of the civil infraction provisions of this Chapter shall incur the penalties provided in Traverse City Code Section 202.99 (b).

(Ord. 32. Passed 8-15-77. Ord. 648. Passed 6-21-04.)